

United States Court of Appeals For the First Circuit

No. 21-1481

STEVEN J. PALANGE,

Plaintiff - Appellant,

v.

MICHAEL B. FORTE; JUDGE SANDRA LANNI; RICHARD UPDEGROVE; TANYA
GRAVEL; LOIS IANNONE; RONALD PAGLIARINI; PETER F. NERONHA; JEAN
MAGGIACOMO; CELIA J. BLUE,

Defendants - Appellees.

Before

Lynch, Howard and Kayatta,
Circuit Judges.

JUDGMENT

Entered: April 7, 2022

Pro se plaintiff-appellant Steven J. Palange appeals from the district court's dismissal of his amended complaint, in which he asserted various violations of his constitutional rights stemming from a child custody and visitation case in Rhode Island Family Court. Several defendants-appellees have moved for summary disposition, arguing that Palange's failure to develop any argument opposing application of the Rooker-Feldman doctrine in the district court has worked a waiver of any appellate claims of error. Palange did not file a response to either motion.

Failure to develop an argument against dismissal before the district court may work a waiver of appellate arguments unless "extraordinary circumstances" are present. See Pomerleau v. W. Springfield Pub. Schools, 362 F.3d 143, 147 (1st Cir. 2004) (concluding that failure to raise any argument to the district court, whether in response to the motion to dismiss or via timely filed post-judgment Fed. R. Civ. P. 59 or 60 motion, "foreclosed" appellants "from advancing their arguments on appeal"). Palange has not suggested that any "extraordinary circumstance" warranting consideration of his arguments on appeal is present, and review of the record discloses none. Careful review of Palange's filings in the district court suggests that he was capable of opposing dismissal on Rooker-Feldman grounds. At the very least, Palange could have filed a

Additionally, Palange has failed to elucidate an abuse of discretion as to the district court's denial of leave to again amend his complaint. See Nikitine v. Wilmington Tr. Co., 715 F.3d 388, 389 (1st Cir. 2013) (standard of review).

Affirmed.

Maria R. Hamilton, Clerk

cc:
Ian Paul Anderson
Mark T. Nugent
Matthew Thomas Oliverio
Steven J. Palange
Stephen M. Prignano
John H. Ruginski, Jr.
Adam J. Sholes
Justin James Sullivan